

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|----------------------------|-----------|-----------------------|
| IN RE: Tyesha Star Rodgers | | CHAPTER 7 |
| | Debtor(s) | |
| M&T Bank | | |
| | Movant | |
| vs. | | NO. 19-17832 JKF |
| Tyesha Star Rodgers | | |
| | Debtor(s) | |
| Gary F. Seitz Esq. | | |
| | Trustee | 11 U.S.C. Section 362 |

MOTION OF M&T Bank
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362

1. The Movant is M&T Bank.
2. The Debtor(s) is/are the owner(s) of the premises 1304 Wagner Avenue, Philadelphia, PA 19141 hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$150,130.00 on the mortgaged premises that was executed on March 3, 2015. Said mortgage was recorded on March 5, 2015 at Document ID Number 52888701. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on October 24, 2016, at Document ID Number 53128534 in Philadelphia County.
4. Gary F. Seitz Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 7 Petition in Bankruptcy by the Debtor(s).
6. The Debtor(s) has/have failed to make the monthly mortgage payments in the amount of \$920.44 with late charges totaling \$103.64, for the months of January 2020 through March 2020 on the mortgage subsequent to the filing of the Bankruptcy Petition.
7. The total amount necessary to reinstate the loan is \$2,864.96.

8. The total payoff on the mortgage is \$118,678.08.
9. According to the debtor's schedules, the value of the property is \$110,600.00
10. The Movant is entitled to relief from stay for cause. Furthermore, the Movant is not adequately protected.
11. This motion and the averments contained therein do not constitute a waiver by the Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, the Movant prays that an Order be entered modifying the Stay and permitting the Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, the Movant prays that an Order be entered awarding the Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esquire

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Dated: March 17, 2020